

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**L.H., et al.,**

**Plaintiffs,**

**v.**

**Independence School District,**

**Defendant.**

**Case No. 4:22-cv-00801-RK**

**DEFENDANT’S MOTION FOR ATTORNEY’S FEES**

Defendant Independence School District (“District” or “Defendant”), by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 54 and 42 U.S.C. § 1988(b), hereby moves for an award of reasonable attorney’s fees, as the prevailing party with respect to each of Plaintiffs’ claims under 42 U.S.C. § 1983. In support of its Motion, Defendant states as follows:

1. Plaintiffs are parents of students attending the District, who filed this case in order to challenge the District’s policies governing challenges to District materials, including books maintained in its libraries.

2. On December 6, 2022, Plaintiffs filed a Complaint (Doc. 1) asserting two claims, both alleging Constitutional violations pursuant to 42 U.S.C. § 1983. Specifically, Plaintiffs challenged a provision within the District’s policies whereby the challenged material is temporarily removed pending the District’s review of a challenge.

3. On December 29, 2022, Defendant filed a Motion to Dismiss Plaintiff’s Complaint (Doc. 18).

4. On April 27, 2023, the Court entered an Order granting Defendant’s Motion to Dismiss (Doc. 42) on the basis that Plaintiffs lacked standing.

5. Pursuant to 42 U.S.C. § 1988(b), a prevailing party may recover “a reasonable attorney’s fee.”

6. Contemporaneous with this Motion, Defendant is filing its Suggestions in Support, which more fully set forth the factual and legal basis for the relief requested herein.

For the foregoing reasons, Defendant Independence School District respectfully requests that the Court enter an Order awarding Defendant reasonable attorney’s fees to be paid by Plaintiffs, and for such other relief as it may show itself entitled.

Respectfully submitted,

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By: /s/ Ryan S. VanFleet

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ATTORNEYS FOR THE DISTRICT

### **CERTIFICATE OF SERVICE**

I certify that the foregoing was filed and served upon all attorneys of record, through the Court’s electronic filing and service system, on May 11, 2023:

/s/ Ryan S. VanFleet

Attorney for Defendant